

# **JOURNAL OF THE HOUSE**

## **EIGHTY-SEVENTH SESSION**

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THIRTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 1, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Karl Kroger, followed by the Pledge of Allegiance led by House pages Nathan Burkhalter and Elena Leitheiser.

Roll Call: All members present except Reps. Elliott, Munsterman, and Olson who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Val Rausch, Chair

Which motion prevailed.

**HONORED GUESTS**

Rep. Romkema introduced the 2010 - 2011 Outstanding School Administrators of South Dakota: Steve Morford, secondary principal, Spearfish; Nick Gottlob, middle school principal, Lead-Deadwood; Sarah Richarz, special ed director, Canton; Janna Ellingson, curriculum director, Flandreau; Terry Brooks, business manager, Chamberlain; Faith Stratton, elementary principal, Chester; Mark Greguson, superintendent, Chester; Demetria Moon, assistant secondary principal, Huron.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1098 which was tabled.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1129 and 1168 which were deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
David Lust, Chair

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1158 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1128 and returns the same with the recommendation that said bill be amended as follows:

1128ca

On page 1, line 9, of the printed bill, delete "two years" and insert "one year".

On page 1, line 9, delete "six" and insert "four".

On page 1, line 13, delete everything after "." .

1 On page 1, delete line 14.

2 Delete page 2.

3 And that as so amended said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Education respectfully reports that it has had under consideration  
6 HB 1226 which was deferred to the 41<sup>st</sup> Legislative Day.

7 Respectfully submitted,  
8 Thomas J. Brunner, Chair

9 Also MR. SPEAKER:

10 The Committee on Commerce and Energy respectfully reports that it has had under  
11 consideration HB 1121 and 1125 and returns the same with the recommendation that said bills  
12 do pass.

13 Also MR. SPEAKER:

14 The Committee on Commerce and Energy respectfully reports that it has had under  
15 consideration HB 1238 which was tabled.

16 Also MR. SPEAKER:

17 The Committee on Commerce and Energy respectfully reports that it has had under  
18 consideration HB 1139 which was deferred to the 41<sup>st</sup> Legislative Day.

19 Respectfully submitted,  
20 Roger D. Solum, Chair

21 Also MR. SPEAKER:

22 The Committee on Judiciary respectfully reports that it has had under consideration  
23 HB 1114 and 1186 and returns the same with the recommendation that said bills do pass.

24 Also MR. SPEAKER:

25 The Committee on Judiciary respectfully reports that it has had under consideration  
26 HB 1143 and returns the same with the recommendation that said bill be amended as follows:

1 1143rb

2 On page 2 of the printed bill, delete lines 2 and 3, and insert "anesthetic agent or hypnosis;  
3 or".

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Judiciary respectfully reports that it has had under consideration  
7 HB 1181 and returns the same with the recommendation that said bill be amended as follows:

8 1181ra

9 On page 1 of the printed bill, delete lines 10 and 11, and insert "or issues on any election  
10 ballot";.

11 And that as so amended said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on Judiciary respectfully reports that it has had under consideration  
14 HB 1213 and returns the same with the recommendation that said bill be referred to the  
15 Committee on State Affairs.

16 Also MR. SPEAKER:

17 The Committee on Judiciary respectfully reports that it has had under consideration  
18 HB 1099 which was deferred to the 41<sup>st</sup> Legislative Day.

19 Respectfully submitted,  
20 Roger W. Hunt, Chair

21 **MESSAGES FROM THE SENATE**

22 MR. SPEAKER:

23 I have the honor to return herewith HB 1014 which has passed the Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 35, 38, 65, 73, 78, 83, 93, 104, 123, and 140  
3 which have passed the Senate and your favorable consideration is respectfully requested.

4 Also MR. SPEAKER:

5 I have the honor to transmit herewith SCR 1 which has been adopted by the Senate and  
6 your concurrence is respectfully requested.

7 Respectfully,  
8 Fee Jacobsen, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 HCR 1005 Introduced by: Representatives Jensen, Hubbel, Magstadt, Olson (Betty), Steele,  
11 and Venner and Senator Schlekeway

12 A CONCURRENT RESOLUTION, Urging Congress to clearly delegate responsibility for the  
13 regulation of hydraulic fracturing to the states.

14 WHEREAS, hydraulic fracturing, a mechanical method of increasing the permeability of  
15 rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil  
16 and gas production in North Dakota; and

17 WHEREAS, oil and gas production increases have led to growth in employment and  
18 economic development as well as promotion of energy independence for the United States; and

19 WHEREAS, the State of South Dakota, through the Department of Environment and Natural  
20 Resources, has proven more than capable of regulating oil and gas recovery processes and  
21 ensuring the safety of workers while protecting the environment; and

22 WHEREAS, the state is best situated to closely monitor oil and gas drilling and fracturing  
23 operations to ensure they are conducted in an environmentally sound manner:

24 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
25 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the South  
26 Dakota Legislature urges the Congress of the United States to clearly delegate responsibility for  
27 the regulation of hydraulic fracturing to the states.

28 Was read the first time and the Speaker waived the committee referral.

1 SCR 1: A CONCURRENT RESOLUTION, Honoring the University of South Dakota on  
2 its one hundred fiftieth anniversary.

3 Was read the first time and the Speaker waived the committee referral.

#### 4 CONSIDERATION OF REPORTS OF COMMITTEES

5 Rep. Lust moved that the reports of the Standing Committees on

6 Agriculture and Natural Resources on HB 1091 as found on page 254 of the House Journal;  
7 also

8 Health and Human Services on HB 1183 as found on page 255 of the House Journal; also

9 Health and Human Services on HB 1190 as found on pages 255 and 256 of the House  
10 Journal; also

11 Taxation on HB 1029 as found on pages 256 and 257 of the House Journal; also

12 Taxation on HB 1116 as found on page 257 of the House Journal be adopted.

13 Which motion prevailed.

#### 14 FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

15 SB 35: FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations  
16 and increase certain civil penalties regarding pipeline safety inspection.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 SB 38: FOR AN ACT ENTITLED, An Act to provide for the transfer of control of an  
19 office building in Rapid City, to make an appropriation for the construction and renovation of  
20 the office building, and to declare an emergency.

21 Was read the first time and referred to the Committee on Appropriations.

22 SB 65: FOR AN ACT ENTITLED, An Act to revise the list of products offered to  
23 consumers by motor vehicle dealers and sales finance companies.

24 Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 73: FOR AN ACT ENTITLED, An Act to repeal the provisions regarding the  
2 assessment of real property located in a floodplain.

3 Was read the first time and referred to the Committee on Taxation.

4 SB 78: FOR AN ACT ENTITLED, An Act to allow an arrest to be expunged when the  
5 criminal case is dismissed.

6 Was read the first time and referred to the Committee on Judiciary.

7 SB 83: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to water  
8 development districts.

9 Was read the first time and referred to the Committee on Agriculture and Natural  
10 Resources.

11 SB 93: FOR AN ACT ENTITLED, An Act to provide for the withdrawal of referred  
12 measures in certain circumstances.

13 Was read the first time and referred to the Committee on State Affairs.

14 SB 104: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
15 investment of public funds.

16 Was read the first time and referred to the Committee on Local Government.

17 SB 123: FOR AN ACT ENTITLED, An Act to revise how the taxes are applied to rural  
18 electric companies.

19 Was read the first time and referred to the Committee on State Affairs.

20 SB 140: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding glazing  
21 material on motorcycle windshields and wind deflectors.

22 Was read the first time and referred to the Committee on Transportation.

1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           Rep. Russell requested that HB 1035 and SB 3 and 55 be removed from the Consent  
3 Calendar.

4           Which request was granted.

5           HB 1070: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
6 certificate of health requirement for the importation of animals.

7           Was read the second time.

8           The question being "Shall HB 1070 pass?"

9           And the roll being called:

10          Yeas 67, Nays 0, Excused 3, Absent 0

11          Yeas:

12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
13 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
14 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
15 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
16 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
17 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
18 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

19          Excused:

20 Elliott; Munsterman; Olson (Betty)

21          So the bill having received an affirmative vote of a majority of the members-elect, the  
22 Speaker declared the bill passed and the title was agreed to.

23          HB 1202: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding  
24 reckless and unsafe driving.

25          Was read the second time.

26          The question being "Shall HB 1202 pass?"

27          And the roll being called:

28          Yeas 67, Nays 0, Excused 3, Absent 0



1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
6 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
8 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Elliott; Munsterman; Olson (Betty)

11 So the bill having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the bill passed and the title was agreed to.

13 HB 1173: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
14 administration of the county legal expense relief program.

15 Was read the second time.

16 The question being "Shall HB 1173 pass?"

17 And the roll being called:

18 Yeas 67, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
21 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon);  
22 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
23 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
24 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
25 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
26 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

27 Excused:

28 Elliott; Munsterman; Olson (Betty)

29 So the bill having received an affirmative vote of a majority of the members-elect, the  
30 Speaker declared the bill passed and the title was agreed to.

31 SB 2: FOR AN ACT ENTITLED, An Act to repeal and to make style and form revisions  
32 to certain provisions related to the Department of Human Services.

33 Was read the second time.

1 The question being "Shall SB 2 pass?"

2 And the roll being called:

3 Yeas 67, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
6 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
7 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
8 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
9 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
10 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
11 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Excused:

13 Elliott; Munsterman; Olson (Betty)

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 SB 6: FOR AN ACT ENTITLED, An Act to authorize criminal background checks for  
17 various state employees.

18 Was read the second time.

19 The question being "Shall SB 6 pass as amended?"

20 And the roll being called:

21 Yeas 67, Nays 0, Excused 3, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
24 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
27 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
28 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
29 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Excused:

31 Elliott; Munsterman; Olson (Betty)

32 So the bill having received an affirmative vote of a majority of the members-elect, the  
33 Speaker declared the bill passed and the title was agreed to.

SB 21: FOR AN ACT ENTITLED, An Act to repeal and revise certain outdated provisions relating to the Department of Human Services.

Was read the second time.

The question being "Shall SB 21 pass as amended?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:

Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

Excused:

Elliott; Munsterman; Olson (Betty)

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 24: FOR AN ACT ENTITLED, An Act to require certain applicants for licensure as a health professional or a licensee who is the subject of a disciplinary investigation to submit to a state and federal criminal background check.

Was read the second time.

The question being "Shall SB 24 pass?"

And the roll being called:

Yeas 67, Nays 0, Excused 3, Absent 0

Yeas:

Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1       Excused:  
2   Elliott; Munsterman; Olson (Betty)

3 So the bill having received an affirmative vote of a majority of the members-elect, the  
4 Speaker declared the bill passed and the title was agreed to.

**5 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1075: FOR AN ACT ENTITLED, An Act to allow certain property tax documents to  
7 be transmitted electronically.

8 Having had its second reading was up for consideration and final passage.

9 1075oa

10 Rep. Greenfield moved that HB 1075 be amended as follows:

11 On page 3, after line 13 of the printed bill, insert:

12 " Section 5. That § 10-23-2.1 be amended to read as follows:

13 10-23-2.1. In addition to the notice required by § 10-23-2, the county treasurer shall send  
14 the notice containing the information set forth in §§ 10-23-2.5 and 10-23-3 by first class mail  
15 or by electronic means to:

- 16 (1) Any owner of the real property at the owner's last known address;
- 17 (2) Any person holding a special assessment certificate which is a lien upon the real
- 18 estate;
- 19 (3) If bonds have been issued in lieu of assessments certificates, to the holder of the bond
- 20 last maturing; and
- 21 (4) If the property is located in a municipality, to the auditor, clerk, or finance officer of
- 22 the municipality.

23 The county treasurer shall mail or transmit electronically the notice at least fourteen days  
24 before the day of sale. The county treasurer shall certify, on the tax certificate record book for  
25 that tax year, that notice was given in the manner prescribed by this section."

26 Which motion prevailed.

1 The question being "Shall HB 1075 pass as amended?"

2 And the roll being called:

3 Yeas 67, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
6 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
7 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
8 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
9 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
10 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
11 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

12 Excused:

13 Elliott; Munsterman; Olson (Betty)

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1120: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
17 filing of claims against public improvement contracts.

18 Was read the second time.

19 Rep. Solum moved that HB 1120 be deferred to Thursday, February 2, the 14<sup>th</sup> legislative  
20 day.

21 Which motion prevailed.

22 HB 1124: FOR AN ACT ENTITLED, An Act to permit a school district, at the discretion  
23 of the school district, to pay the fees charged for any criminal background investigation that is  
24 required by law for a prospective employee.

25 Was read the second time.

26 The question being "Shall HB 1124 pass?"

27 And the roll being called:

28 Yeas 64, Nays 1, Excused 5, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hawley; Hickey;  
4 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;  
5 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Novstrup (David);  
6 Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele;  
7 Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; White; Wick;  
8 Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Verchio

11 Excused:

12 Elliott; Hansen (Jon); Munsterman; Nelson (Stace); Olson (Betty)

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1147: FOR AN ACT ENTITLED, An Act to remove the individual liability of a school  
16 board member who authorizes the making of a void contract, check or registered warrant.

17 Was read the second time.

18 The question being "Shall HB 1147 pass?"

19 And the roll being called:

20 Yeas 66, Nays 1, Excused 3, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
23 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Hagggar; Hansen (Jon);  
24 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
25 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
26 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
27 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;  
28 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

29 Nays:

30 Tornow

31 Excused:

32 Elliott; Munsterman; Olson (Betty)

33 So the bill having received an affirmative vote of a majority of the members-elect, the  
34 Speaker declared the bill passed and the title was agreed to.

1 HB 1036: FOR AN ACT ENTITLED, An Act to establish and revise certain provisions  
2 and penalties related to the regulation of grain warehouses, grain buyers, and warehouse  
3 receipts.

4 Having had its second reading was up for consideration and final passage.

5 The question being "Shall HB 1036 pass?"

6 And the roll being called:

7 Yeas 66, Nays 1, Excused 3, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
10 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
11 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
12 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
13 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;  
14 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;  
15 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

16 Nays:

17 Tornow

18 Excused:

19 Elliott; Munsterman; Olson (Betty)

20 So the bill having received an affirmative vote of a two-thirds majority of the members-  
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 HB 1059: FOR AN ACT ENTITLED, An Act to revise Article 9 of the Uniform  
23 Commercial Code.

24 Was read the second time.

25 The question being "Shall HB 1059 pass as amended?"

26 And the roll being called:

27 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Nelson (Stace);  
6 Novstrup (David); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad;  
7 Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman;  
8 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Excused:

10 Elliott; Kirkeby; Munsterman; Olson (Betty)

11 So the bill having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the bill passed and the title was agreed to.

13 HB 1195: FOR AN ACT ENTITLED, An Act to authorize the collection of fees for certain  
14 educational programming and services, and to declare an emergency.

15 Was read the second time.

16 1195ja

17 Rep. Hunt moved that HB 1195 be amended as follows:

18 On page 1 of the House Education Committee engrossed bill, delete lines 10 to 14,  
19 inclusive.

20 On page 2, delete line 1.

21 A roll call vote was requested and supported.

22 The question being on Rep. Hunt's motion that HB 1195 be amended.

23 And the roll being called:

24 Yeas 26, Nays 41, Excused 3, Absent 0

25 Yeas:

26 Bolin; Conzet; Feickert; Gosch; Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel;  
27 Hunt; Jensen; Kopp; Liss; Miller; Nelson (Stace); Novstrup (David); Russell; Steele; Tornow;  
28 Tulson; Vanneman; Venner; Verchio; Wick; Willadsen



1 Nays:

2 Abdallah; Blake; Boomgarden; Brunner; Carson; Cronin; Deelstra; Dennert; Dryden; Fargen;  
3 Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud III; Jones; Killer; Kirkeby;  
4 Kirschman; Kloucek; Lucas; Lust; Magstadt; Moser; Perry; Romkema; Rozum; Schaefer;  
5 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Turbiville; Van Gerpen; White;  
6 Wink; Wismer; Speaker Rausch

7 Excused:

8 Elliott; Munsterman; Olson (Betty)

9 So the motion not having received an affirmative vote of a majority of the members  
10 present, the Speaker declared the motion lost.

11 The question being "Shall HB 1195 pass as amended?"

12 And the roll being called:

13 Yeas 55, Nays 12, Excused 3, Absent 0

14 Yeas:

15 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
16 Dryden; Fargen; Feinstein; Gibson; Greenfield; Haggard; Hawley; Hickey; Hoffman; Hunhoff  
17 (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirkeby; Kirschman; Kloucek; Lucas; Lust;  
18 Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum;  
19 Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville;  
20 Van Gerpen; Vanneman; White; Wick; Wink; Wismer; Speaker Rausch

21 Nays:

22 Feickert; Gosch; Hansen (Jon); Hubbel; Jensen; Kopp; Liss; Russell; Tornow; Venner; Verchio;  
23 Willadsen

24 Excused:

25 Elliott; Munsterman; Olson (Betty)

26 So the bill having received an affirmative vote of a two-thirds majority of the members-  
27 elect, the Speaker declared the bill passed and the title was agreed to.

28 HB 1132: FOR AN ACT ENTITLED, An Act to prohibit businesses and employers from  
29 establishing certain policies against the ability of an invitee or employee to store firearms and  
30 ammunition in a locked motor vehicle parked on the premises.

31 Was read the second time.

1132rc

1

2 Rep. Hunt moved that HB 1132 be amended as follows:

3 On page 2, after line 16 of the House Judiciary Committee engrossed bill, insert:

4 " Section 5. Any business or other public or private employer engaged in the transportation  
5 of amounts of hazardous materials that require placarding is exempt from the provisions of this  
6 Act.".

7 Which motion lost.

8 The question being "Shall HB 1132 pass as amended?"

9 And the roll being called:

10 Yeas 49, Nays 15, Excused 6, Absent 0

11 Yeas:

12 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;  
13 Greenfield; Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kloucek;  
14 Kopp; Liss; Lust; Magstadt; Miller; Moser; Nelson (Stace); Perry; Romkema; Rozum; Russell;  
15 Schaefer; Schrempp; Scott; Sly; Solum; Steele; Stricherz; Tornow; Tulson; Turbiville; Van  
16 Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

17 Nays:

18 Blake; Dennert; Fargen; Feickert; Feinstein; Hawley; Hunhoff (Bernie); Iron Cloud III; Jones;  
19 Killer; Kirschman; Lucas; Novstrup (David); Sigdestad; Wismer

20 Excused:

21 Elliott; Gibson; Munsterman; Olson (Betty); Street; Vanneman

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 HB 1038: FOR AN ACT ENTITLED, An Act to increase the penalty for leaving the brand  
25 inspection area without necessary inspection and authorization.

26 Was read the second time.

27 The question being "Shall HB 1038 pass?"

28 And the roll being called:

29 Yeas 60, Nays 4, Excused 6, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Dennert; Dryden;  
3 Feickert; Feinstein; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;  
4 Hubbel; Hunhoff (Bernie); Hunt; Jensen; Jones; Killer; Kirkeby; Kirschman; Kopp; Liss; Lucas;  
5 Lust; Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum;  
6 Russell; Schaefer; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson;  
7 Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker  
8 Rausch

9 Nays:

10 Fargen; Iron Cloud III; Kloucek; Schrempp

11 Excused:

12 Deelstra; Elliott; Gibson; Munsterman; Olson (Betty); Vanneman

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1197: FOR AN ACT ENTITLED, An Act to exempt air ambulance services from sales  
16 and use taxes.

17 Was read the second time.

18 The question being "Shall HB 1197 pass?"

19 And the roll being called:

20 Yeas 49, Nays 17, Excused 4, Absent 0

21 Yeas:

22 Abdallah; Blake; Boomgarden; Brunner; Deelstra; Dennert; Fargen; Feickert; Gibson;  
23 Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Iron  
24 Cloud III; Jensen; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Magstadt; Miller;  
25 Moser; Nelson (Stace); Novstrup (David); Romkema; Rozum; Russell; Schaefer; Schrempp;  
26 Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Venner;  
27 Wick; Wink; Wismer

28 Nays:

29 Bolin; Carson; Conzet; Cronin; Dryden; Feinstein; Gosch; Hunt; Jones; Lust; Perry; Scott;  
30 Steele; Verchio; White; Willadsen; Speaker Rausch

31 Excused:

32 Elliott; Munsterman; Olson (Betty); Vanneman

33 So the bill having received an affirmative vote of a majority of the members-elect, the  
34 Speaker declared the bill passed and the title was agreed to.

1 HB 1115: FOR AN ACT ENTITLED, An Act to exempt certain contracts from the  
2 competitive bidding requirements for water user districts.

3 Was read the second time.

4 The question being "Shall HB 1115 pass?"

5 And the roll being called:

6 Yeas 61, Nays 4, Excused 5, Absent 0

7 Yeas:

8 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;  
9 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;  
10 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kopp; Liss;  
11 Lucas; Lust; Magstadt; Miller; Moser; Nelson (Stace); Novstrup (David); Perry; Romkema;  
12 Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow;  
13 Tulson; Turbiville; Van Gerpen; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;  
14 Speaker Rausch

15 Nays:

16 Blake; Hoffman; Kloucek; Russell

17 Excused:

18 Elliott; Hubbel; Munsterman; Olson (Betty); Vanneman

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1203: FOR AN ACT ENTITLED, An Act to revise auditing requirements for water  
22 development districts.

23 Was read the second time.

24 The question being "Shall HB 1203 pass?"

25 And the roll being called:

26 Yeas 65, Nays 1, Excused 4, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;  
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);  
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;  
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;  
6 Nelson (Stace); Novstrup (David); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;  
7 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;  
8 Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

9 Nays:

10 Russell

11 Excused:

12 Elliott; Munsterman; Olson (Betty); Vanneman

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 There being no objection, the House reverted to Order of Business No. 5.

## 16 **REPORTS OF STANDING COMMITTEES**

17 MR. SPEAKER:

18 The Committee on Legislative Procedure respectfully reports that HB 1016, 1024, and  
19 1048 were delivered to his Excellency, the Governor, for his approval at 8:10 a.m., February 1,  
20 2012.

21 Also MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
23 and Enrolling has carefully compared HB 1014 and finds the same correctly enrolled.

24 Respectfully submitted,  
25 Val Rausch, Chair

## 26 **SIGNING OF BILLS**

27 The Speaker publicly read the title to

28 HB 1014: FOR AN ACT ENTITLED, An Act to prohibit false statements on applications  
29 for certain loans, grants, or other financial assistance and to provide a penalty therefor.

SB 18: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding references to the Internal Revenue Code.

And signed the same in the presence of the House.

### COMMEMORATIONS

HC 1010 Introduced by: Representatives Jones, Abdallah, Boomgarden, Feickert, Feinstein, Hawley, Hickey, Kloucek, Lucas, Novstrup (David), Perry, Russell, Schaefer, Venner, and Willadsen and Senators Nygaard, Bradford, Buhl, Heineman, and Sutton

A LEGISLATIVE COMMEMORATION, Commending and honoring the Parker State Class B Boys' Cross Country Champions.

WHEREAS, the Parker team consisting of cross country runners seniors Matt Mielke, Seth Olson, and Trevor Miller; junior Duane Jongeling; and sophomores Michael Olson and Ryan Olson; and

WHEREAS, Duane Jongeling placed first in the State Class B Cross Country Meet held at Yankton Trail Park in Sioux Falls on October 22, 2011; and

WHEREAS, Coach Phil Bjorneberg was named South Dakota Boys' Cross Country Coach of the Year by the South Dakota High School Coaches Association (SDHSCA):

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of the State of South Dakota, that congratulations be given to the Parker State Class B Boys' Cross Country Champions and coach Phil Bjorneberg on a great season.

Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at 4:32 p.m. the House adjourned.

Karen Gerdes, Chief Clerk